

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

RECEIVED

AUTHORIZATION TO DISCHARGE UNDER THE

JUL 3 1992

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OPERATIONS OFFICE

In compliance with the provisions of the Clean Water Act,
33 U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987,
P.L. 100-4, the "Act",

ASARCO, INC.
(Caladay Project)

(Coeur Silver Valley)

is authorized to discharge from a facility located near Wallace, Idaho,
to receiving waters named Daly Creek,

in accordance with discharge point(s), effluent limitations, monitoring
requirements and other conditions set forth herein.

This permit shall become effective March 30, 1990.

This permit and the authorization to discharge shall expire at midnight,
March 30, 1995.

Signed this 30th day of March.

Harold E. Sear, Acting
Director, Water Division, Region 10
U.S. Environmental Protection Agency

PCS,
4-2-90
JJB

I. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

A. Effluent Limitations.

During the period beginning on the effective date of this permit and lasting through the expiration date, the permittee is authorized to discharge mine drainage resulting from exploration activities from Outfall 001. Such discharge shall be limited as specified below:

1. <u>Parameter</u>	<u>Unit</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>
Flow	mgd	--	--
Total Suspended Solids, TSS	mg/l	30	20
Total Copper, Cu _t	mg/l	0.30	0.15
Total Zinc, Zn _t	mg/l	1.5	0.75
Total Lead, Pb _t	mg/l	0.6	0.3
Total Mercury, Hg _t	mg/l	0.002	0.001
Total Cadmium, Cd _t	mg/l	0.10	0.05

2. The pH shall not be less than 6.0 standard units, nor greater than 9.0 standard units.
3. There shall be no discharge of floating solids, visible foam, or oily wastes in other than trace amounts.

C. Receiving Water Monitoring Requirements.

During the period beginning on the effective date of this permit and lasting through the expiration date, the following monitoring shall be conducted at a point in Daly Creek upstream from and unaffected by mining activities and at a point downstream of Outfall 001 in Daly Creek before it enters South Fork Coeur d'Alene River:

<u>1. Parameter</u>	<u>Unit</u>	<u>Sample Type</u>
Flow	cfs	Measured
TSS	mg/l	Grab
Cu _t	mg/l	Grab
Zn _t	mg/l	Grab
Pb _t	mg/l	Grab
Hg _t	mg/l	Grab
Cd _t	mg/l	Grab
pH	std. unit	Grab

2. Receiving water monitoring shall be conducted semi-annually and be representative of both high flow and low flow conditions.
3. Sampling shall be concurrent with effluent monitoring. The date of sampling shall be recorded.
4. Results of receiving water monitoring shall be submitted to EPA with the DMRs.

D. Reopener Clause.

The permittee is only authorized to discharge mine drainage resulting from exploration activities. If more than exploration activities occur, i.e., bulk samples are taken from the mine or actual mining occurs, the permittee is required to submit an application to EPA six months prior to the commencement of the activity.

II. MONITORING, RECORDING AND REPORTING REQUIREMENTS

- A. Representative Sampling. Samples taken in compliance with the monitoring requirements established under Part I shall be collected from the effluent stream prior to discharge into the receiving waters. Samples and measurements shall be representative of the volume and nature of the monitored discharge.
- B. Monitoring Procedures. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136, unless other test procedures have been specified in this permit.
- C. Reporting of Monitoring Results. Monitoring results shall be summarized each month on the Discharge Monitoring Report (DMR) form (EPA No. 3320-1). The reports shall be submitted monthly and are to be postmarked by the 10th day of the following month. Legible copies of these, and all other reports, shall be signed and certified in accordance with the requirements of Part IV.H., Signatory Requirements, and submitted to the Director, Water Division and the State agency at the following addresses:

original to: United States Environmental Protection Agency (EPA)
Region 10
1200 Sixth Avenue, WD-135
Seattle, Washington 98101

copy to: Idaho Department of Health and Welfare (IDHW-DEQ)
Division of Environmental Quality
Statehouse
Boise, Idaho 83720

2. A written submission shall also be provided within five days of the time that the permittee becomes aware of the circumstances. The written submission shall contain:
 - a. A description of the noncompliance and its cause;
 - b. The period of noncompliance, including exact dates and times;
 - c. The estimated time noncompliance is expected to continue if it has not been corrected; and
 - d. Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
3. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the Water Compliance Section in Seattle, Washington, by phone, (206) 442-1213.
4. Reports shall be submitted to the addresses in Part II.C., Reporting of Monitoring Results.
- H. Other Noncompliance Reporting. Instances of noncompliance not required to be reported within 24 hours shall be reported at the time that monitoring reports for Part II.C. are submitted. The reports shall contain the information listed in Part II.G.2.
- I. Inspection and Entry. The permittee shall allow the Director, ADEC, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:
 1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the Act, any substances or parameters at any location.

Except as provided in permit conditions in Part III.G., Bypass of Treatment Facilities and Part III.H., Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance.

- C. Need to Halt or Reduce Activity not a Defense. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- D. Duty to Mitigate. The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. Proper Operation and Maintenance. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. Removed Substances. Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner such as to prevent any pollutant from such materials from entering navigable waters.

H. Upset Conditions.

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph 2 of this section are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
2. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that the permittee can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;
 - c. The permittee submitted notice of the upset as required under Part II.G., Twenty-four Hour Notice of Noncompliance Reporting; and
 - d. The permittee complied with any remedial measures required under Part III.D., Duty to Mitigate.
3. Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

- I. Toxic Pollutants. The permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the Act for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

- C. Anticipated Noncompliance. The permittee shall also give advance notice to the Director and ADEC of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- D. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.
- E. Duty to Reapply. If the permittee wishes to continue an activity regulated by this permit after the expiration date of this permit, the permittee must apply for and obtain a new permit. The application should be submitted at least 180 days before the expiration date of this permit.
- F. Duty to Provide Information. The permittee shall furnish to the Director and ADEC, within a reasonable time, any information which the Director or ADEC may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee shall also furnish to the Director or ADEC, upon request, copies of records required to be kept by this permit.
- G. Other Information. When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or any report to the Director or ADEC, it shall promptly submit such facts or information.
- H. Signatory Requirements. All applications, reports or information submitted to the Director and ADEC shall be signed and certified.
 - 1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
 - 2. All reports required by the permit and other information requested by the Director or ADEC shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director and ADEC, and

- L. Severability. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby.
- M. Transfers. This permit may be automatically transferred to a new permittee if:
 - 1. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 - 2. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - 3. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit. If this notice is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph 2 above.
- N. State Laws. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Act.